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# ORGANIZATION OF THE WORK OF THE SESSION

## Situation of human rights in Togo

## Report of the Secretary-General

CONTENTS


| | Paragraphs | Page |
|---|---|---|
| Introduction | 1 - 8 | 3 |
| I. INFORMATION FROM THE GOVERNMENT OF TOGO | 9 - 10 | 4 |
| II. ACTION TAKEN BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS | 11 | 11 |
| III. ACTION TAKEN BY SPECIAL RAPPORTEURS AND WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS AND BY TREATY MECHANISMS IN RESPECT OF TOGO | 12 - 33 | 11 |
| A. Action taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions | 12 - 16 | 11 |
| B. Action taken by the Special Rapporteur on the question of torture | 17 - 19 | 12 |
| C. Action taken by the Working Group on Enforced or Involuntary Disappearances | 20 - 24 | 12 |
| D. Treaty mechanisms | 25 - 33 | 13 |


GE.95-10606 (E)

CONTENTS (continued)


| | | Paragraphs | Page |
|---|---|---|---|
| IV. | INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS . . . | 34 - 50 | 15 |
| | A. The overall situation in Togo during 1994 . . . . | 35 - 39 | 15 |
| | B. Human rights violations attributed to the Togolese armed forces . . . . . | 40 - 43 | 16 |
| | C. Other violations of the right to life and to physical integrity . . . . . | 44 - 46 | 16 |
| | D. Freedom of expression and press freedom . . . . . | 47 - 50 | 17 |

## Introduction

1. On 9 March 1994, at its fiftieth session, the Commission on Human Rights adopted without a vote resolution 1994/78, entitled "Situation of human rights in Togo", in which it welcomed the holding, in generally satisfactory conditions, of parliamentary elections on 6 and 20 February 1994, which constitute an essential element towards a democratic change in Togo. It stated, however, that it was concerned by the fact that certain groups had resorted to violent actions and the use of arms, thus causing numerous victims, with the intention of preventing the holding of the elections. It urged all Togolese to respect the outcome of the parliamentary elections held in February 1994 and to ensure the effective functioning of the democratically elected Parliament. It expressed the hope that a comprehensive improvement of the human rights situation in Togo would lead to a lasting reinforcement of democracy, in accordance with the aspirations of citizens. It also called upon the authorities in Togo to comply fully with their obligations under the international human rights instruments to which Togo is a party.

2. In addition, the Commission requested the authorities in Togo to promote national reconciliation, in particular by taking all necessary measures to ensure the enjoyment of all human rights and fundamental freedoms by all, to prevent further human rights violations and to guarantee that appropriate legal action was taken against alleged perpetrators of human rights violations (para. 5). In this connection, the Commission encouraged the Government of Togo to facilitate the participation of the organs of society, including national institutions working for the promotion and protection of human rights, in the process of democratization (para. 6) and to present timely reports to the treaty bodies established by the international covenants to which Togo is a party (para. 7). It further encouraged the Government of Togo to request, where appropriate, the assistance of the Centre for Human Rights through its programme of advisory services and technical assistance in the implementation of the measures mentioned in paragraphs 5 and 7 of the resolution (para. 8).

3. Lastly, the Commission requested the Secretary-General to bring the resolution to the attention of the Togolese authorities, requesting them to indicate the action taken in pursuance of paragraphs 5 and 7 and to report to it at its fifty-first session on the basis of the information provided by the Government of Togo, as well as any other information, on the measures taken by the Togolese authorities in pursuance of paragraphs 5, 7 and 8 of the resolution (para. 9).

4. By a note verbale dated 25 March 1994, the Secretary-General transmitted a copy of resolution 1994/78 to the Minister for Foreign Affairs and Cooperation of the Togolese Republic and expressed a desire to receive from the Government of Togo any information and any comments it wished to put forward in connection with the resolution. The Government of Togo replied to the Secretary-General's communication by a note verbale dated 6 January 1995.

5. At its forty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted, on 25 August 1994, by 20 votes to 4, with 1 abstention, following a secret ballot, resolution 1994/20 on the situation of human rights in Togo. It stated,

inter alia, that it was deeply concerned by the persistent gravity of the situation of human rights in Togo and, in particular, by the summary or extrajudicial executions, arbitrary arrests or detentions and by torture and other cruel, inhuman or degrading treatment, for which the armed and security forces are largely responsible.

6. Recalling the impunity enjoyed by those who commit human rights violations, particularly because of serious failings in the legal system, the Sub-Commission strongly condemned the massive and persistent violations of human rights in Togo and requested the Togolese authorities to adopt all measures necessary to end the impunity enjoyed by those responsible for breaches of human rights. It also called upon the Commission on Human Rights to appoint, at its fifty-first session, a special rapporteur with the mandate of reporting on the human rights situation in Togo.

7. On 26 August 1994, the Prime Minister of Togo sent a letter to the Secretary-General in which he expressed indignation at the content of a press release reporting, inter alia, the adoption of the Sub-Commission resolution on the situation of human rights in Togo and at the position taken by the Sub-Commission in that resolution.

8. Chapter I of this report reproduces the contents of the Togolese Government's note verbale. Chapter II describes the action taken by the High Commissioner for Human Rights. Chapter III summarizes the action taken by Special Rapporteurs and working groups of the Commission on Human Rights and by treaty mechanisms in respect of Togo. Chapter IV is a summary of the information contained in reports brought to the Secretary-General's attention by non-governmental organizations.

## I. INFORMATION FROM THE GOVERNMENT OF TOGO

9. By a note verbale dated 6 January 1995, the Ministry of Foreign Affairs and Cooperation of the Togolese Republic transmitted the report of the Government of Togo submitted in accordance with resolution 1994/78. The text of the report is reproduced below:*

"(1) The socio-political upheavals the world has experienced have not spared Africa and Togo even less so. The profound desire among peoples to achieve broader freedom and fully enjoy human rights and, in particular, freely to express their opinions and take part in the conduct of public affairs has been in evidence in Togo, as everywhere else.

(2) The great democratic fervour which was born of the upheavals in eastern Europe and which reached as far as the African continent was thus a heavy blow for the process that had started earlier at the National Conference held in 1991.

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* The secretariat of the Centre for Human Rights has numbered the paragraphs of the Togolese report from (1) to (50) in order to make it easier to read.

(3) After the National Conference, misunderstandings among the protagonists in Togolese political life led to far-reaching social and political unrest that caused serious violations of human rights and public order.

(4) Following these unfortunate and regrettable events, the authorities made considerable efforts to re-establish security and put the country back on the right track.

(5) These efforts, which consisted mainly of political negotiations, led to a consensus which allowed for the organization of presidential elections in August 1993 and legislative elections in February 1994.

(6) Following the elections, a Prime Minister was appointed by the President of the Republic in accordance with article 66 of the Constitution.

(7) The Prime Minister formed the first Government of the Fourth Republic, which obtained the confidence of the National Assembly in its programme of political action on 24 June 1994, in accordance with article 78 of the Constitution.

(8) Togolese political life has gradually been improving as a result of the formation of the Government of the Fourth Republic and the installation of the National Assembly.

(9) There are definite signs that economic life is getting its strength back.

(10) In order to ensure that political stability lasts, however, additional efforts still have to be made to educate the population about the virtues of human rights and democracy and to teach it new ways of behaving that respect human dignity.

(11) All this cannot be done in a few months, but requires time to overcome all the resentment of the recent past, reconcile yesterday's enemies, re-establish peace and public tranquillity and thus instil confidence in all citizens.

(12) The first Government of the Fourth Republic clearly expressed its political determination to make the establishment of the rule of law and the promotion of human rights the pillars on which its political action would be based.

(13) In his programme statement, the Head of Government stressed the need:

To initiate a policy of national reconciliation;

To encourage the re-establishment of the principles of national unity;

To guarantee the security of persons and property;

To help build a State subject to the rule of law which respects the law and human rights;

To promote justice, the guarantor of individual freedoms;

To establish the democratic institutions provided for by the Constitution (Constitutional Court, Supreme Judicial Council, National Commission on Human Rights, Audiovisual and Communications Board).

(14) Since then, the Government has been working to restore confidence and combat the lack of security resulting from three years of socio-political unrest.

(15) In order to deal with the pressing problem of security, the Head of State and the Prime Minister met on several occasions with security services officials (army, gendarmerie, police, territorial security guards, fire department and customs officials) and gave them strict instructions to improve security systems, particularly as a result of the disappearance of Mr. David Bruce, a Ministry of Foreign Affairs official, and the murder of Mr. Akue-Atcha, Director-General of ASECNA.

(16) In order to strengthen the protection of human rights, judges and criminal investigation police officers were also instructed to guarantee scrupulous respect for criminal procedure.

(17) Persons in pre-trial detention in connection with a case involving State security were discharged on the basis of submissions by the prosecutor's office.

(18) When the new Government took office, several persons who had been detained for longer than allowed by law were simply released.

(19) The Government of Togo welcomes the fact that the wording of United Nations Commission on Human Rights resolution 1994/78 is in keeping with the main lines of its political programme.

(20) However, the Government would like to make some comments on paragraphs 5, 7 and 8 of the resolution.

## I. The requirement of national reconciliation (para. 5 of the resolution)

(21) This is the Government's main concern, as indicated in its programme of action endorsed by the National Assembly:

'Democracy and the rule of law cannot be established in our country without attempts at reconciliation and unless a friendly hand is extended to all. However, reconciliation will also not be possible without pardon and forgetting, without individual and collective reparation and without a firm renunciation of unworthy acts committed by compatriots who regard the sons of the same country only as enemies to be fought, as adversaries to be physically eliminated. Reconciliation will thus not be possible without pardon, which is the most typical form of genuine amnesty.

In order to bring about reconciliation, my Government will endeavour, through various legal measures and regulations, to help the Togolese put their past behind them and go beyond recriminations to try to re-establish harmony and get back some sense of shared destiny. Dialogue constantly has to be given pride of place and organized so that hard feelings disappear and brotherhood and solidarity may be strengthened. This concern to establish a permanent dialogue will be one of my Government's objectives.

The Government will also endeavour to come to better grips with the refugee problem and consider measures to promote a solution to it. The Ministry of Human Rights and Rehabilitation is designed to play a key role in this regard, in cooperation with the Ministries of Social Affairs, National Solidarity and National Defence.

The Government will also take measures with a view to the social rehabilitation of persons displaced within the national territory.

How can we walk together again and genuinely become reconciled if we do not make room in our hearts for justice and peace?'

(22) As early as 1993, the transition Government adopted bold measures to make the Togolese population aware of the need for reconciliation. A broad programme of 'army-nation reconciliation' was implemented throughout the national territory. The Government intends to go well beyond what has already been done.

(23) This calls for dynamic action designed to sensitize and educate the entire Togolese population, without exception.

(24) The Ministry of Human Rights and Rehabilitation, which is responsible for relations with the Parliament, is endeavouring to work along these lines.

(25) It has already carried out activities that meet this concern.

1. Information tours inside the country

(26) As soon as he took up his post, the Minister of Human Rights organized information tours inside the country in August 1994. The aim of these tours was to make contact with displaced persons and tell the Togolese that the Government was committed to the policy of mutual forgiveness and national reconciliation.

2. Training seminars

(27) Pursuing its activities for the promotion of human rights, the Ministry organized a training seminar on 'human rights in the Constitution of the Fourth Republic' in Lomé on 20 and 21 October 1994.

(28) Another seminar on 'human rights and the rule of law' was held in Kara on 1 and 2 December 1994.

(29) Other activities will form part of this broad programme to provide the population with information and training on human rights questions.

(30) In order to achieve satisfactory results and attain the objectives the Government has set for itself, the Ministry of Human Rights will be assisted in this task by other agencies, including the Ministries of Defence, Foreign Affairs and Cooperation, the Interior and Social Affairs, the National Commission on Human Rights (CNDH), non-governmental organizations and leagues for the promotion of human rights.

(31) It should be emphasized that an important phase in national reconciliation was recently completed as a result of the adoption of an amnesty act.

(32) For the purpose of promoting national reconciliation and fuller respect for human rights, the President of the Republic announced, on 9 December 1994, that he had decided to halt the legal proceedings against the perpetrators of the attacks of 25 March 1993 and 5 and 6 January 1994 and to have the National Assembly adopt an amnesty act to that effect.

(33) As announced, the Amnesty Act was adopted by the National Assembly on the proposal of the Government on 15 December 1994.

(34) According to article 1 of the Act:

> 'The amnesty shall apply to all acts of murder, attempted murder, criminal groups, complicity to blow up buildings, particularly public buildings, possession of guns, ammunition and weaponry, voluntary manslaughter, destruction of public and private vehicles and assault and battery committed during the attacks of 25 March 1993 and 5 and 6 January 1994.'

(35) Article 2 of the Act provides that:

> 'The amnesty shall also apply to all political or politically-inspired offences provided for by criminal law and committed prior to 15 December 1994.'

(36) It should be noted that, by halting the legal proceedings against the persons involved in these attacks, by promulgating the Amnesty Act and by releasing the attackers on 22 and 23 December 1994, the aim of the Government of Togo was to strengthen national unity and the spirit of reconciliation and forgiveness and encourage the Togolese to forget the past in order to build their common future in brotherhood and peace.

## II. Preparation of periodic reports
(para. 7 of the resolution)

(37) With regard to the promotion and protection of human rights, Togo has ratified or acceded to most international instruments and has formally made them part of the Constitution in accordance with article 50. As a result of this commitment, it has an obligation to submit periodic reports.

(38) Togo is, of course, overdue in the preparation and submission of reports, but that is not a sign of a lack of political will.

(39) In fact, Togo has decided to comply with its human rights commitments. It therefore intends to re-establish a constructive dialogue with United Nations bodies. In July 1994, it submitted and defended its second periodic report to the Human Rights Committee in accordance with article 40 of the International Covenant on Civil and Political Rights.

(40) At present, the Government is considering the establishment of appropriate facilities for the preparation and coordination of the drafting of periodic reports, including the establishment of an inter-ministerial committee which would provide backup for the work of the Ministry of Human Rights in this regard.

## III. Advisory services (para. 8 of the resolution)

(41) Togo welcomes the opportunity it has been given to benefit fully from the technical assistance of the Centre for Human Rights through advisory services. Such assistance will make it easier to implement the recommendations contained in paragraphs 5 and 7 of the above-mentioned resolution.

(42) In order to strengthen its policy of promoting and protecting human rights, the Government of Togo requested United Nations technical assistance on the basis of a proposal by the Minister of Human Rights and Rehabilitation in charge of relations with the Parliament dated 14 October 1994.

(43) This proposal was preceded and followed by a visit by the Minister to human rights bodies in Geneva to explain the new human rights policy of the Government of Togo to United Nations officials.

(44) The Prime Minister also sent invitations to the United Nations High Commissioner for Human Rights, the Director of the Centre for Human Rights and the Chairman of the African Commission on Human and Peoples' Rights (ACHPR) to make a working visit to Togo to help the Government improve the human rights situation in the country with a view to consolidating the young pluralist democracy which the Togolese people is gradually building on the basis of full respect for human dignity.

(45) The same invitations were sent to the Chairman of the International Federation of Human Rights (FIDH), the Secretary-General of Amnesty International and the President of the International Commission of Jurists.

### Training

(46) In order to reconcile the Togolese people, dynamic action has to be taken to train and make it aware of the virtues of human rights.

(47) Assistance in the field of training is of concern to a number of institutions, including Justice, the Interior, Human Rights, Foreign Affairs, Social Affairs, National Education, Communication and Culture, the National Assembly, the National Commission on Human Rights (CNDH), non-governmental organizations and human rights leagues.

(48) Specific projects to be drawn up by these services will include:

The introduction of human rights teaching in the Togolese educational system; the training of the police and the gendarmerie in human rights, the administration of justice and human rights and the promotion of the rights of women and children; and freedom of expression and information;

Assistance to the National Commission on Human Rights (CNDH).

Expert services

(49) A policy of exchanges of experience will be followed with regard to training in the drafting of periodic reports and support for the National Assembly in its efforts to harmonize legislation.

(50) Requests for assistance will also cover scholarships for studies and refresher courses and the organization of regional seminars."

Annexes*:

An information note dated 16 December 1994;

One copy of the programme statement of the Prime Minister of the Fourth Republic;

One copy of the Constitution of 14 October 1994;

One copy of the Amnesty Act.

10. On 19 January 1995, the Government of Togo sent the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights an information note reporting that an individual pardon had been granted by presidential decree of 17 January 1995 to Mr. Martin Akpé Gbenouga, journalist and chief editor of the newspaper La Tribune des Démocrates, who was released. He had been sentenced by the Lomé Correctional Court to five years' imprisonment, but the Lomé Appeal Court overturned the decision on the grounds of a procedural irregularity. On 12 January 1995, the Appeal Court sentenced him to one year in prison and a fine of CFA 1 million for slandering the Head of State (see para. 49 below).

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* Available for consultation in the secretariat of the Centre for Human Rights.

## II. ACTION TAKEN BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

11. On 14 October 1994, the Minister of Human Rights and Rehabilitation of the Republic of Togo wrote to the High Commissioner for Human Rights to request technical assistance for his country from the United Nations in the field of human rights. He also said that Togo had ratified most of the international human rights instruments, which are now part of its Basic Law (art. 50 of the Constitution of 14 October 1994), and was more determined than ever to build a genuine constitutional State in its territory within the framework of a pluralist democracy, in accordance with the programme of action of the first Government of the Fourth Republic adopted by the National Assembly on 24 June 1994. The High Commissioner and the relevant departments of the Centre for Human Rights are currently studying the Togolese Government's request in detail.

## III. ACTION TAKEN BY SPECIAL RAPPORTEURS AND WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS AND BY TREATY MECHANISMS IN RESPECT OF TOGO

### A. Action taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions

12. The action taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions in respect of Togo is described in detail in his report to the Commission (E/CN.4/1995/61, paras. 301 to 305).

13. During the past year, the Special Rapporteur sent three urgent appeals to the Government of Togo. The first expressed fears for the safety of Jean Yaovi Degli, President of the Ligue togolaise des droits de l'homme (Togolese League for Human Rights, LTDH), and of Akpédje Degli, after a military raid at the latter's home and repeated death threats. Similar fears were expressed about two young people after their arrest by the security forces. In a second urgent appeal, the Special Rapporteur drew attention to reports of the extrajudicial execution of 36 persons by members of the National Gendarmerie after an attack against the barracks of the Régiment Interarmes togolais (Togolese Combined Regiment, RIT); it was also feared that a number of other persons detained in connection with the attack faced execution. Lastly, a third appeal referred to various incidents in which members of the security forces used force arbitrarily, causing the death of at least 10 persons in January and February 1994. Six other persons were said to have received death threats.

14. The Government of Togo replied to the Special Rapporteur's first two urgent appeals, informing him that the security forces had proceeded on the basis of information provided to them and, as they had not found anything in the houses searched, they had retreated; allegations of death threats were baseless. The Government subsequently stated that no extrajudicial executions had ever taken place in Togo and that nobody had been extrajudicially killed during the recent events. A group of terrorists had attacked Lomé on 5 and 6 January 1994; the persons mentioned in the urgent appeal had been arrested for their involvement in the attack. They had recovered their weapons and killed three soldiers and were killed during the ensuing clash.

15. The Special Rapporteur subsequently asked the Government of Togo for information on any investigations it had carried out to explain the conduct of the law enforcement officials involved and on the measures taken by the authorities to ensure that the provisions contained in international instruments limiting the use of force and firearms were fully respected during operations aimed at restoring public order.

16. In his observations, the Special Rapporteur expressed his concern about the arbitrary and abusive use of force by law enforcement officials in total impunity. He called on the authorities to adopt all necessary measures to ensure respect for the right to life during operations carried out by law enforcement officials, to prosecute and sanction all those responsible for extrajudicial, summary or arbitrary executions, to grant adequate compensation to the victims and, above all, to adopt measures to prevent the recurrence of violations of the right to life.

### B. Action taken by the Special Rapporteur on the question of torture

17. The action taken by the Special Rapporteur on the question of torture is described in detail in his report to the Commission (E/CN.4/1995/34, paras. 717 to 725).

18. The action taken by the Special Rapporteur focused mainly on following up the cases transmitted in 1993, to which the Secretary-General already referred in his report last year (E/CN.4/1994/59, paras. 12 to 18), on the basis of additional information recently supplied by the source.

19. During the past year, the Special Rapporteur has not transmitted to the Togolese authorities any allegations of torture that occurred in 1994.

### C. Action taken by the Working Group on Enforced or Involuntary Disappearances

20. The action taken by the Working Group on Enforced or Involuntary Disappearances in respect of Togo is described in detail in its report to the Commission (E/CN.4/1995/36, paras. 388 to 393).

21. During 1994, the Working Group transmitted 10 newly reported cases of disappearance to the Government of Togo, eight of which occurred in 1994 and were sent under the urgent action procedure. One case concerned a businessman abducted from his home by five men in military fatigues. Six other cases concerned persons who were reportedly arrested and detained in February 1994 by members of the armed forces at Adetikopé as they were on their way to Lomé to visit two relatives of the Secretary-General of the Togolese Drivers' Trade Union, who had reportedly been injured in a car accident. Another case concerned a civil servant, the former adviser to the President of the High Council of the Republic from 1991 to 1993, who is said to have been abducted from his car in the Lomé suburb of Aguényivé and taken to an unknown destination by three men in a minibus, followed by a military vehicle. Lastly, two other cases of disappearance concern a man arrested by the police in March 1994 and taken to the Central Police Station in Lomé, from where he disappeared a few days later, and a farmer abducted at his home in April 1994 by armed men and taken to an unknown destination.

22. According to the information transmitted to the Working Group by a number of non-governmental organizations, disappearances in Togo should be seen in relation to the upsurge of violence in Togo, punctuated by acts of vandalism and robbery, rape and other forms of physical assault. These acts are said to be perpetrated by unidentified armed men or members of the Togolese armed forces.

23. In its report to the Commission, the Working Group also referred to reports that the impunity enjoyed by the armed forces in Togo was continuing. The Togolese armed forces, which are composed mainly of men from regions located in the north of Togo and, in particular, from the region that President Eyadéma comes from are allegedly placed under his direct control or that of members of his family. They are said to be increasingly involved in the repression of non-violent demonstrations by various sectors of society and to focus on the protection and the defence of the President and his political system.

24. During the period under review, no information was received by the Working Group from the Government of Togo with regard to the above-mentioned disappearances, so that it has been unable to provide any information on the victims' fate in its report to the Commission.

## D. Treaty mechanisms

25. Togo is a party to the main international instruments listed in the preceding report of the Secretary-General (E/CN.4/1994/59, para. 19). Despite the many reminders sent to it in recent years by a number of treaty mechanisms, Togo continues to be late in submitting periodic reports on the implementation of the international instruments to which it is a party. However, it should be noted that, at the end of December 1993, the Government of Togo submitted its second periodic report to the Human Rights Committee under article 40 of the International Covenant on Civil and Political Rights.

26. At its fifty-first session, the Human Rights Committee considered the report on 7 and 8 July 1994 and adopted its comments on 27 July 1994 (CCPR/C/79/Add.36).

27. While it welcomed the adoption of a new Constitution and the establishment of a Ministry of Human Rights, the Committee took note with concern of the internal disturbances which had occurred in Togo during the period under review and which had resulted in serious and systematic violations of the rights guaranteed by the Covenant, particularly its articles 4, 6, 7, 9, 10 and 14. It was concerned with the fact that, despite the initiation of the democratic process, the rule of law had not yet been re-established in Togo and violations of human rights continued to occur. It also took note with concern of the many obstacles faced by the National Commission on Human Rights, which was no longer operative.

28. The Committee deplored the large number of cases of summary and arbitrary executions, enforced or involuntary disappearances, torture and arbitrary or unlawful detention committed by members of the army, security and other forces. It was deeply concerned that those violations were not followed by any inquiries or investigations, that the perpetrators of such acts had

neither been brought to justice nor punished and that the victims had not been compensated. It noted that failure to exclude violators of human rights from service in the military or the security forces seriously undermined the transition to democracy. It was also disturbed by the fact that members of the army were almost exclusively recruited from only one of the ethnic groups in Togo, depriving other groups of the opportunity for equitable participation.

29. The Committee regretted the fact that derogations from some of the rights provided for in the Covenant through the proclamation of curfews during the transitional period had not been notified to the Secretary-General in accordance with article 4 of the Covenant. It was also concerned about the excessive number of offences punishable by the death penalty under Togolese legislation, contrary to the provisions of article 6 of the Covenant. It noted that freedom of expression was not yet fully guaranteed in Togo, owing to the censorship and control exercised by the authorities over the press, radio and television.

30. In its suggestions and recommendations to the Government of Togo, the Human Rights Committee particularly urged that the Government should take all necessary measures to prevent summary or arbitrary executions, enforced or involuntary disappearances, torture and ill-treatment and illegal or arbitrary detention; that all such cases should be systematically investigated in order to bring those suspected of having committed such acts before the courts; and that those found guilty should be punished and the victims compensated.

31. The Committee also deemed it necessary that specific measures should be taken to ensure that human rights are respected by the military and security forces. Vigorous action should be taken to ensure that persons closely associated with human rights abuses do not re-enter the police, army or security forces. Urgent steps should be undertaken to ensure that the composition of the army equitably represents the various ethnic groups of the Togolese population, including currently under-represented minority groups, and that the army remains subject to the control of the elected civilian Government. The Committee exhorted the authorities of Togo to revise the Penal Code with a view to reducing the number of offences carrying the death penalty.

32. The Committee also emphasized that measures should be taken to ensure the implementation in prisons and detention centres of all the provisions of article 10 of the Covenant, together with the United Nations Standard Minimum Rules for the Treatment of Prisoners. They should be more widely disseminated among the personnel of the armed forces, security and police officers involved in arrest and detention matters, and members of the judiciary.

33. Lastly, the Committee recommended that the necessary measures should be taken by the Government to ensure the independence and proper functioning of the judiciary and to provide for the proper and adequate staffing of courts; measures should be taken to allow for the resumption of the activities of the National Commission on Human Rights in accordance with its statutes, including guarantees of the safety of its members, as well as proper funding; to bring the censorship and control exercised by the authorities over the press, radio and television into line with article 19 of the Covenant; and to use the

advisory and technical assistance services of the United Nations Centre for Human Rights, particularly for the preparation of the third periodic report in accordance with the Committee's guidelines.

## IV. INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS

34. This chapter summarizes the main information brought to the Secretary-General's attention by a number of non-governmental organizations such as Amnesty International, the International Federation of Action of Christians for the Abolition of Torture and the International Federation of Human Rights. Information was also received from Action des Chrétiens pour l'Abolition de la Torture (Lomé) (Christian Action for the Abolition of Torture), from Justicia i Pau and from the Ligue togolaise des droits de l'homme (Togolese Human Rights League).

### A. The overall situation in Togo in 1994

35. Several non-governmental organizations welcomed the holding of two-stage legislative elections, which took place in Togo on 6 and 20 February 1994, and which, for the first time, enabled five political parties to be represented in the National Assembly.

36. They nevertheless noted that the elections in Togo were preceded by a period of unrest and violence characterized by the interference of the Togolese Armed Forces (FAT) in the electoral process, even though the Ouagadougou agreements (Burkina Faso) signed in July 1993 by the Government of Togo and representatives of the opposition provided that the FAT would not leave their barracks during the electoral period. A special unit, the Public Security Forces (FSP), was set up in April 1993 to guarantee and maintain public security, dismantle arms caches and keep the militia in check during the elections, with military and technical assistance from the Governments of Burkina Faso and France. According to the information received, FSP allegedly committed human rights violations during the pre-electoral period.

37. Following the death in custody of at least 21 persons out of a total of 40 opposition sympathizers arrested on 26 August 1993 after the presidential election by FSP personnel assisted by members of the FAT, the Public Security Forces again intervened on 13 February 1994 to prevent the leader of the Comité d'action pour le renouveau (Action Committee for Renewal (CAR)), an opposition party, from speaking in public at a meeting. A few days later, members of the FAT allegedly executed 48 prisoners extrajudicially on the pretext of an attack against the capital.

38. Between the two election rounds, there were reports of violent clashes between members of CAR and members of the presidential party, the Rassemblement du peuple togolais (RPT). Some CAR activists were even reported to have been harassed by the security forces and prevented from conducting their electoral campaign, particularly in parts of Togo where RPT was weak.

39. The Procurator's Office reportedly failed to order an investigation into the human rights violations committed by the FAT and FSP during the election period.

B. Human rights violations attributed to the Togolese Armed Forces

40. Following an alleged attack on the main military base in Lomé on 5 January 1994 by attackers who were said to have come from Ghana with the avowed aim of assassinating President Eyadéma, the Togolese Armed Forces (FAT) allegedly carried out the extrajudicial execution of at least 48 prisoners held by the Togolese Combined Regiment (RIT) and killed 36 other persons who had been arrested by men from the Presidential Guard and who were held in the RIT camp before being killed on 6 January 1994.

41. On 6 January, at Aflao, near the border with Ghana, the FAT allegedly launched a rocket attack against buildings, after which at least 12 Ghanaian shoeshine boys were allegedly arrested and extrajudicially executed by Togolese soldiers. On the same day, three electricians were reported to have been killed by soldiers in their workshop in a district near Lomé.

42. During the same period, 12 soldiers arrested following incidents involving RIT, in March 1993, and already referred to in the preceding report of the Secretary-General (E/CN.4/1994/59, para. 35) were reportedly detained at RIT headquarters in Lomé, probably tried in camera in late 1993 by a court martial and summarily executed in secret by members of the FAT. After having given themselves up to the chief of the Presidential Guard, six of them were allegedly taken out of the barracks, doused in petrol and burned alive. In addition, five soldiers arrested during the same period were allegedly still being held by the National Gendarmerie in extremely distressing conditions.

43. On 14 February 1994, the charred bodies of three CAR sympathizers were also reported to have been found; one of them had just been elected to the new Parliament the week before. The three individuals were reported to have been abducted before witnesses by men in military fatigues and taken to military premises close to the RIT barracks. Although an investigation has been opened by President Eyadema to bring those guilty to trial, the FAT has denied any responsibility for the murders. The results of the investigation have apparently not been published and those responsible have not been identified and brought to trial.

C. Other violations of the right to life and to physical integrity

44. According to the information received, there has been an upsurge during the past year in thefts, armed attacks against individuals, rapes, murders and other acts of banditry, committed mainly by unidentified armed men, but sometimes with the complicity of members of the FAT, who are reportedly neither reprimanded nor prosecuted by the Togolese authorities. In most cases, no proceedings were reported to have been instituted against the assailants.

45. One case involved a former prefect of Kloto who was allegedly attacked. On 15 May, the head manager of the Department of Finance was allegedly killed. On 3 June, the chief cashier of a bank in Lomé was reported to have been shot dead at point-blank range as he left a photographic studio. A senior official treasurer-general of another bank was reported to have been taken to hospital with serious injuries after an armed attack near his home on 14 June.

46. A judicial marshall residing in Côte d'Ivoire who was on a trip to Lomé was allegedly killed by persons unknown on 14 June; his mutilated body was found on the Lomé-Tokoin Road. An investigation subsequently revealed that the Commander of the Presidential Guard was involved in the affair. On 17 June, an agent for the Camel company in Lomé and his wife were allegedly shot dead by armed individuals who broke into their home. On the same day, the manager of a Shell petrol station and his wife were reported to have been attacked at their home in Lomé by men in FAT uniform who allegedly raped the wife and took all their property. On 18 July, a CAR activist was allegedly murdered in his bed by armed men in the middle of the night. In addition, six charred bodies were reported to have been found on 25 and 29 September at two locations north of Lomé; they have still not been identified. On 9 October, an attack was carried out against the Gendarmerie and the police station in Vogan, after which four officers were allegedly executed.

## D. Freedom of expression and press freedom

47. Freedom of expression and press freedom are reportedly still subject to serious violations: political parties and newspaper editors are said to have been threatened and prosecuted on numerous occasions.

48. In early February 1994, six activists of the Union des forces du changement (Union of Forces for Change) were reported to have been arbitrarily arrested for bill sticking, carrying cassettes with recorded messages and distributing leaflets during the legislative election campaign. Their trial, which was set for 18 February, apparently never took place; they are currently being held in Kara, Sokodé, Atakpamé, Kpalimé and Lomé prisons, where they are allegedly ill-treated.

49. On 26 April 1994, the chief editor of La Tribune des Démocrates was allegedly arrested for slandering the Head of State and sentenced to five years' imprisonment. This incident took place after several editors or chief editors had been forced into exile during the past year.

50. On the night of 18 November 1994, the manager of the "Le Beau Temps" printing firm was reportedly attacked by unknown individuals in the vicinity of the FAT headquarters at Massouhoin; his body was reportedly found the next day, not far from the home of the neighbourhood chief.

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